

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Case No. 09-cv-02745 (JNE/FLN)

Terry Nali and William Grimm, *as Trustees of the Twin City Floor Covering Industry Pension Fund, Twin City Floor Covering Industry Fringe Benefit Trust Fund, and each of their successors,*

Plaintiffs,

vs.

Vaughan Floor Covering, Inc.

Defendant.

**ORDER & REPORT AND
RECOMMENDATION**

By assignment from the Honorable Joan N. Ericksen, this matter came before the undersigned United States Magistrate Judge on written submissions upon Plaintiffs' Motion to Correct Order for Default Judgment and Injunction (ECF No. 26) pursuant to Rule 60(a) of the Federal Rules of Civil Procedure.

ORDER

Based on all the records and proceedings herein, including the written submissions of counsel, **IT IS HEREBY ORDERED THAT** this Court's Report and Recommendation of April 30, 2010 (ECF No. 18) is **VACATED** and shall be replaced in full by the Amended Report and Recommendation issued contemporaneously herewith.

RECOMMENDATION

Based on all the records and proceedings herein, including the written submissions of counsel, **IT IS HEREBY RECOMMENDED THAT:**

1. Plaintiffs' Motion to Correct Order for Default Judgment and Injunction (ECF No. 26) be **GRANTED**; and

2. The Court's Order of June 9, 2010 (ECF No. 20) be amended in accordance with the Amended Report and Recommendation issued contemporaneously herewith.

Dated: October 26, 2010

s/ Franklin L. Noel
The Honorable Franklin L. Noel
United States Magistrate Judge

Pursuant to the Local Rules, any party may object to this Report and Recommendation by filing with the Clerk of Court and serving on all parties, on or before **November 9, 2010** written objections which specifically identify the portions of the proposed findings or recommendations to which objection is being made, and a brief in support thereof. A party may respond to the objecting party's brief within fourteen (14) days after service thereof. All briefs filed under the rules shall be limited to 3,500 words. A judge shall make a de novo determination of those portions to which objection is made.

This Report and Recommendation does not constitute an order or judgment of the District Court, and it is, therefore, not appealable to the Circuit Court of Appeals.